

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

SIMPSON VENTURES, INC., )  
                                  )  
                                  )  
*Plaintiff*, )  
                                  )  
                                  )  
v. )      **Civil Action File No:**  
                                  )  
                                  3:07-CV-048-WHA  
MIDWEST METAL PRODUCTS )  
COMPANY, INC. )  
                                  )  
*Defendant*. )

**REPORT OF THE PARTIES' PLANNING MEETING**

1. **Rule 26(f) Meeting**: Pursuant to Fed. R. Civ. P. 26(f), a meeting was held telephonically on July 16, 2007, and was attended by:

- a) Arthur A. Gardner  
Attorney for Plaintiff
- b) James M. Hinshaw  
Attorney for Defendant

2. **Pre-Discovery Disclosures**: The parties will exchange by **August 16, 2007**, the information required by Fed. R. Civ. P. 26(a)(1).

3. **Discovery Plan**: The parties jointly propose to the Court the following discovery plan:

- (a) **Topics**: Discovery will be needed on the following subjects:

**By Plaintiff**: various matters presented by the pleadings including the construction and appearance of Defendant's product, the sales of same, profits from same, willfulness of Defendant's infringement, the substance of the opinions of Defendant's expert(s), etc.

**By Defendant**: various matters presented by the pleadings including the validity, enforceability and/or scope of the Plaintiff's patent, the substance of the opinions of Plaintiff's expert(s), etc.

(b) **Discovery Deadline:** Plaintiff and Defendant do **not** agree on an appropriate discovery cut-off date. Plaintiff proposes that all discovery be commenced in time to be completed by **February 1, 2008**. Defendant proposes that all discovery be commenced in time to be completed by **May 1, 2008**. The parties respectfully request the Court's guidance in this regard.

(c) **Interrogatories:** Maximum of **30** interrogatories, including subparts, by each party to any other party. Responses due **30** days after service.

(d) **Requests for Admission:** Maximum of **75** requests for admission, including subparts, by each party to any other party. Responses due **30** days after service.

(e) **Requests for Production:** Maximum of **75** requests for production, including subparts, by each party to any other party. Responses due **30** days after service.

(f) **Depositions:** Maximum of **10** depositions by the Plaintiff and **10** depositions by the Defendant. Each deposition is limited to a maximum of **7** hours (excluding expert witnesses) unless extended by agreement of the parties.

(g) **Supplementation:** Supplementation under Rule 26(e) due within **14** days of knowledge of the need to supplement but not later than **10** days before the completion of discovery.

(h) **Expert Testimony:** Unless modified by stipulation of the parties, the disclosure of expert witnesses, including a complete report under Fed. R. Civ. P. 26(a)(2)(B), from any specially retained or employed expert are due:

From the Plaintiff: **November 15, 2007** and Plaintiff shall make available its experts for deposition by **December 10, 2007**.

From the Defendant: Plaintiff and Defendant do **not** agree on the dates herein as follows. Plaintiff proposes that expert reports be produced from the Defendant by **January 1, 2008** and Defendant shall make available its

experts for deposition by **January 25, 2008**. Defendant proposes that its expert reports be produced from the Defendant by **February 15, 2008** and Defendant shall make available its experts for deposition by **February 28, 2008**. The parties respectfully request the Court's guidance in this regard.

4. **Other Items:**

- (a) **Scheduling Conference:** The parties **do** request a scheduling conference with the Court before entry of the scheduling order.
- (b) **Pretrial Conference:** The parties request a pretrial conference on or after **June 1, 2008**.
- (c) **Pleadings and Parties:** Plaintiff should be allowed until **September 17, 2007** to join additional parties and **November 1, 2007** to amend the pleadings. Defendants should be allowed until **September 17, 2007** to join additional parties and **November 1, 2007** to amend the pleadings.
- (d) **Dispositive Motions:** All potentially dispositive motions must be filed by **March 1, 2008**.
- (e) **Settlement:** Settlement cannot be evaluated prior to the parties conducting discovery and may be enhanced by the use of mediation at a later date.
- (f) **Final Lists:** Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from Plaintiff(s) by **June 6, 2008**, from Defendant(s) by **June 6, 2008**. Parties should have **14** days after service of final lists of witnesses and exhibits to list objections under Rule 26(a) (3).
- (g) **Trial:** The case should be ready for trial on **July 7, 2008**.

*/s/ Robert T. Meadows, III*

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*/s/ Brett A. Ross*

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